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Applicant: Strittmatter et al.
Appl. No.: 10/553,669
International Filing Date: April 16, 2004
Title: NOGO-RECEPTOR ANTAGONISTS FOR THE TREATMENT OF CONDITIONS INVOLVING AMYLOID PLAQUES
Attorney Docket No.: 2159.0470001/EJH/SAC
Pub. No.: US 2007/0065429-A1
Pub. Date: March 22, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on May 2, 2007, for the above-identified application.

The request is DISMISSED.

Applicants request that the application be republished because Stephen M. Strittmatter was not listed as the first named inventor on the front page of the patent application publication.

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records. Any request for a corrected or revised patent application publication other than as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The instant request does not identify a material mistake in the publication made by the Office under 37 CFR 1.221(b) with respect to the omitted inventor information. The error does not affect the public's ability to appreciate the technical disclosure of the patent application publication, determine the scope of the patent application publication, or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

The Combined Declaration and Power of Attorney forms submitted by applicant on August 9, 2006 are improper because each Declaration does not include a complete listing of the inventors. When multiple Declarations are submitted, each Declaration must be complete and contain a complete listing of all the inventors. See MPEP 201.03(II)(B) and MPEP 605.04(a).

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

On December 13, 2006, a Filing Receipt was mailed by the Office, which improperly listed the inventive entity. To avoid this type of problem in the future, applicant's representative should review the Filing Receipt and make a request for a Corrected Filing Receipt.

To change the order of the inventors after a declaration has been submitted, applicant is required to submit a petition and fee under 37 CFR 1.182. See MPEP 605.04(f).

Applicants are advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a) must be submitted via the EFS system as a "Pre-Grant Publication" and any questions or request for reconsideration of the decision should be addressed as follows:

By mail to: Mail Stop PGPUB
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By facsimile: 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



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